

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. _____
v. : DATE FILED: August, 2019
KENNETH EUGENE CHERRY, JR. : VIOLATIONS:
a/k/a "Kenny" : 18 U.S.C. § 922(a)(1)(A) (dealing in
: firearms without a license – 1 count)
: 18 U.S.C. § 922(g)(1) (possession of a
: firearm by a felon – 15 counts)
: 18 U.S.C. § 922(o) (possession and transfer
: of a machinegun – 1 count)
: 26 U.S.C. § 5861(d) (possession of a
: firearm not registered in the NFR and
: Transfer Record – 2 counts)
: 18 U.S.C. §§ 922(k) and 924(a)(1)(B)
: (possession of a firearm with serial
: number removed, obliterated and altered
: – 8 counts)
: 18 U.S.C. § 2 (aiding and abetting)
: Notice of forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

From on or about August 17, 2018, to on or about February 4, 2019, in
Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

KENNETH EUGENE CHERRY, JR.,
a/k/a "Kenny"

willfully engaged in the business of dealing in firearms without being licensed to do so under the
provisions of Chapter 44, Title 18, United States Code, and aided and abetted.

In violation of Title 18, United States Code, Sections 922(a)(1)(A) and
924(a)(1)(D) and 2.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 6, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a "Kenny"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, and aided and abetted the possession, in and affecting interstate commerce of a firearm, that is, a Colt, Model 1911, .45 caliber semiautomatic pistol, bearing serial number 7057A, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 922(g)(1) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 17, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a "Kenny"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed and aided and abetted the possession of a firearm, that is, at least one of the following: (a) a Taurus, Model G2C, 9mm caliber semiautomatic pistol, with the serial number obliterated; (b) a Smith & Wesson, Model SD40VE, .40 caliber semiautomatic pistol, with the serial number obliterated; (c) a Glock, Model 27, .40 caliber semiautomatic pistol, with the serial number obliterated; (d) a Glock, Model 23, .40 caliber semiautomatic pistol, with the serial number obliterated; and (e) an HS Products/Springfield Armory, Model XDS, 9mm caliber semiautomatic pistol, bearing serial number S3724961, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 922(g)(1) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 20, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny,"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, a Glock, Model 43, 9mm caliber semiautomatic pistol with an extended magazine, with the serial number obliterated, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 18, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny,"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, an Inter Ordnance, Model Sporter, 7.62x39mm caliber semiautomatic rifle, with the serial number obliterated, loaded with 20 live rounds of 7.62x39mm ammunition, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 21, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny,"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, , a Romthenica, Model WUM I, 7.62x39mm semiautomatic rifle, bearing serial number WUM 1-1439, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 24, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny,"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, at least one of the following: a DPMS, Model A-15, .223 caliber semiautomatic rifle, bearing serial number F265790, along with two 20-round boxes of live .223 caliber ammunition; and a Leinad, Model CM-11, 9mm semiautomatic rifle, bearing serial number 94-0013122 Romthenica, Model WUM I, 7.62x39mm semiautomatic rifle, bearing serial number WUM 1-1439, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 3, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny,"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, an FN, Model FNS-9C, 9mm caliber semiautomatic pistol, bearing serial number CSU0058665, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 11, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny,"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, a Taurus, Model PT24-7, 9mm caliber semiautomatic pistol, with the serial number obliterated, along with 11 live rounds of 9mm caliber ammunition, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 16, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny,"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, an Anderson Manufacturing, Model AM-15, 5.56mm caliber semiautomatic rifle, bearing serial number 15010585, loaded with 10 live rounds of 5.56mm caliber ammunition, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 31, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny,"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, a Springfield Armory, Model XD-9, 9mm caliber semiautomatic pistol, with the serial number obliterated, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 19, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny,"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, at least one of the following: a Bushmaster, Model XM-15 E2S, .223 caliber semiautomatic rifle, bearing serial number BK1509096, along with 44 live rounds of .223 caliber ammunition; and a Bryco, Model Jennings Nine, 9mm caliber semiautomatic pistol, bearing serial number 1502274, along with 12 live rounds of 9mm caliber ammunition, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT THIRTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 3, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny,"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, at least one of the following: a Stag Arms, Model Stag-15, .223 caliber semiautomatic rifle, bearing serial number Y405296, along with 27 live rounds of 7.62x39mm caliber ammunition; and a Norinco, model MAK90 Sporter, 7.62x39mm rifle, bearing serial number 9369231, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT FOURTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 3, 2019, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny,"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, at least one of the following: a Colt, Model M1991A1, .45 caliber semiautomatic pistol, bearing serial number CP27759; and a Taurus, Model PT1911, .45 caliber semiautomatic pistol, bearing serial number NGO50891, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT FIFTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 14 , 2019, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny,"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, an FN, Model FNS-40, .40 caliber semiautomatic pistol, bearing serial number GKU0151426, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT SIXTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 4, 2019, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny,"**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, an Intratec, Model AB-10, 9mm caliber semiautomatic pistol, bearing serial number A004955, along with 15 live rounds of 9mm caliber ammunition, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT SEVENTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 20, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny"**

knowingly possessed and transferred a machinegun, as defined by Title 18, United States Code, Section 921(a)(23), and Title 26, United States Code, Section 5845(b), that is, two (2) machinegun conversion devices intended for use in converting a semiautomatic Glock pistol to fire automatically.

In violation of Title 18, United States Code, Section 922(o).

COUNT EIGHTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 20, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny"**

knowingly possessed a machinegun, as defined by Title 18, United States Code, Section 921(a)(23), and Title 26, United States Code, Section 5845(b), that is, two (2) machinegun conversion devices intended for use in converting a semiautomatic Glock pistol to fire automatically, not registered to the defendant in the National Firearms Registration and Transfer Record, as required by Title 26, United States Code, Section 5841.

In violation of Title 26, United States Code, Sections 5845(a)(6), (b), 5861(d), and 5871.

COUNT NINETEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 24, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny"**

knowingly possessed a firearm with an overall length of less than 26 inches and a barrel length of less than 16 inches, that is, a Leinad, Model CM-11, 9mm semiautomatic rifle, bearing serial number 94-0013122, not registered to the defendant in the National Firearms Registration and Transfer Record, as required by Title 26, United States Code, Section 5841.

In violation of Title 26, United States Code, Sections 5845(a)(4), (c), 5861(d), and 5871.

COUNT TWENTY

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 17, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny"**

knowingly possessed a firearm, that is, a Taurus, Model PT111 G2C, 9mm caliber semiautomatic pistol, which had the importer's and manufacturer's serial number removed, obliterated, and altered, and had been shipped and transported in interstate and foreign commerce at any time.

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

COUNT TWENTY-ONE

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 17, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny"**

knowingly possessed a firearm, that is, a Smith & Wesson, Model SD40VE, .40S&W caliber semiautomatic pistol, which had the importer's and manufacturer's serial number removed, obliterated, and altered, and had been shipped and transported in interstate commerce at any time.

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

COUNT TWENTY-TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 17, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny"**

knowingly possessed a firearm, that is, a Glock, Model 27, .40S&W caliber semiautomatic pistol, which had the importer's and manufacturer's serial number removed, obliterated, and altered, and had been shipped and transported in interstate and foreign commerce at any time.

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

COUNT TWENTY-THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 17, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny"**

knowingly possessed a firearm, that is, a Glock, Model 23, .40S&W caliber semiautomatic pistol, which had the importer's and manufacturer's serial number removed, obliterated, and altered, and had been shipped and transported in interstate and foreign commerce at any time.

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

COUNT TWENTY-FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 20, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny"**

knowingly possessed a firearm, that is, a Glock, Model 43, 9mm caliber semiautomatic pistol, which had the importer's and manufacturer's serial number removed, obliterated, and altered, and had been shipped and transported in interstate and foreign commerce at any time.

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

COUNT TWENTY-FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 18, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny"**

knowingly possessed a firearm, that is, an InterOrdnance, Model Sporter, 7.caliber semiautomatic pistol, which had the importer's and manufacturer's serial number removed, obliterated, and altered, and had been shipped and transported in interstate commerce at any time.

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

COUNT TWENTY-SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 11, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny"**

knowingly possessed a firearm, that is, a Taurus, Model PT24-7, 9mm caliber semiautomatic pistol, which had the importer's and manufacturer's serial number removed, obliterated, and altered, and had been shipped and transported in interstate commerce at any time.

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

COUNT TWENTY-SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 31, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny"**

knowingly possessed a firearm, that is, a Springfield, Model XD-9, 9mm caliber semiautomatic pistol, which had the importer's and manufacturer's serial number removed, obliterated, and altered, and had been shipped and transported in interstate commerce at any time.

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 922(a)(1)(A), 922(g)(1), 922(k), 922(o), and Title 26, United States Code, Section 5861(d) set forth in this indictment, defendant

**KENNETH EUGENE CHERRY, JR.,
a/k/a/ "Kenny"**

shall forfeit to the United States of America the firearms and ammunition involved in the commission of these offenses, including, but not limited to:

- (1) A Colt, Model 1911, .45 caliber semiautomatic pistol, bearing serial number 7057A;
- (2) a Taurus, Model G2C, 9mm caliber semiautomatic pistol, with the serial number obliterated;
- (3) a Smith & Wesson, Model SD40VE, .40 caliber semiautomatic pistol, with the serial number obliterated;
- (4) a Glock, Model 27, .40 caliber semiautomatic pistol, with the serial number obliterated;
- (5) a Glock, Model 23, .40 caliber semiautomatic pistol, with the serial number obliterated;
- (6) an HS Products/Springfield Armory, Model XDS, 9mm caliber semiautomatic pistol, bearing serial number S3724961;
- (7) a Glock, Model 43, 9mm caliber semiautomatic pistol with an extended magazine, with the serial number obliterated;
- (8) an Inter Ordnance, Model Sporter, 7.62x39mm caliber semiautomatic rifle, with the serial number obliterated;
- (9) a Romthenica, Model WUM I, 7.62x39mm semiautomatic rifle, bearing serial number WUM 1-1439;

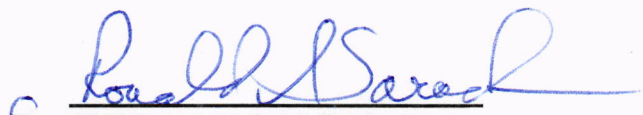
- (10) a DPMS, Model A-15, .223 caliber semiautomatic rifle, bearing serial number F265790;
- (11) an FN, Model FNS-9C, 9mm caliber semiautomatic pistol, bearing serial number CSU0058665;
- (12) a Taurus, Model PT24-7, 9mm caliber semiautomatic pistol, with the serial number obliterated;
- (13) An Anderson Manufacturing, Model AM-15, 5.56mm caliber semiautomatic rifle, bearing serial number 15010585;
- (14) a Springfield Armory, Model XD-9, 9mm caliber semiautomatic pistol, with the serial number obliterated;
- (15) a Bushmaster, Model XM-15 E2S, .223 caliber semiautomatic rifle, bearing serial number BK1509096;
- (16) a Bryco, Model Jennings Nine, 9mm caliber semiautomatic pistol, bearing serial number 1502274;
- (17) a Stag Arms, Model Stag-15, .223 caliber semiautomatic rifle, bearing serial number Y405296;
- (18) a Norinco, Model MAK90 Sporter, 7.62x39mm rifle, bearing serial number 936923;
- (19) an AR-15 variant .223 caliber semiautomatic rifle, bearing no serial number;
- (20) a Colt, Model M1991A1, .45 caliber semiautomatic pistol, bearing serial number CP27759;
- (21) a Taurus, Model PT1911, .45 caliber semiautomatic pistol, bearing serial number NGO50891;
- (22) an FNS, Model FNS-40, .40 caliber semiautomatic pistol, bearing serial number GKU0151426;
- (23) an Intratec, Model AB-10, 9mm caliber semiautomatic pistol, bearing serial number A004955;
- (24) a Leinad, Model CM-11, 9mm semiautomatic rifle, bearing serial number 94-0013122;
- (25) two (2) machinegun conversion devices ("Glock Auto Sears");

- (26) 38 live rounds of 9mm caliber ammunition;
- (27) 84 live rounds of .223 caliber ammunition;
- (28) 10 live rounds of 5.56mm ammunition;
- (29) 47 live rounds of 7.62x39mm caliber ammunition;
- (30) a 7.62x39mm caliber Magpul magazine;
- (31) a 5.56 caliber magazine;
- (32) a 75-round 7.62x39mm caliber drum magazine.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18,
United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON


WILLIAM M. McSWAIN
United States Attorney